

**Subject:** Re: Question about Median Maintenance on Sepulveda  
**From:** Donald Duckworth <duckworth.donald@gmail.com>  
**Date:** 08/20/2010 11:33 AM  
**To:** Nate Kaplan <nate.kaplan@lacity.org>  
**CC:** jruhlen916 <jruhlen916@aol.com>, Miki Payne <miki@hbdrollinger.com>, Arturo Pina <arturo.pina@lacity.org>, rbmusella@earthlink.net

Ah, I missed Lance's email at the bottom. We're all just getting familiar with gmail, right?

So I think my email is responsive to Lance's comments.

The BID contractor is almost certainly less expensive than Tru Green. That's why this company doesn't work for any of the established BIDs in the City so far as I know.

Enough debate though. Let's get a schedule from Lance. When will the BSS contractor be there? Let's get the two (2) trees replaced ASAP. The community can then monitor the schedule for 18 months. That works for me. The BID only got involved when it was obvious that the maintenance was not being done.

Nate, can you put together a budget cost of TruGreen's anticipated work schedule for 1 month? Also, let's determine what has been done in the past by collecting some historical data. Since January, how much time and cost has Tru Green billed to this median maintenance in Councilman Rosendaahl's District? I'll be very interested in this information, let me know what you find.

BTW, the BIDs are also bound to follow the LWO and compliance is monitored by the City Clerk's Office. The BID's contract with Clean Street contains a LWO clause.

Thank you.

On Fri, Aug 20, 2010 at 11:00 AM, Donald Duckworth  
<[duckworth.donald@gmail.com](mailto:duckworth.donald@gmail.com)> wrote:

It's not that the option is "in-appealing." It's "illegal." (I don't mean to be overly dramatic: "it's not legally possible.") Assistant City Attorney David Michaelson suggested the interim contract concept as the only valid way of getting us to that future point in time when the BID is properly extended.

Is the Council Office going to watch the new landscaping that Council Member Rosendaahl got installed north of Manchester waste away for 18 months? Is the staff (Lance) really saying he's going to maintain those medians with their existing contractor? That really is a good answer. Let's get a schedule so that the work can be monitored. Our actual experience is that on-going maintenance has not been provided. And that's when the Council Office gets

calls from its constituents. At least two (2) trees have been destroyed by auto accidents according to John Ruhlen and Barbara Meusella. When will those be replaced? Can we get a specific schedule?

Thanks Nate. We really appreciate your efforts here.

On Fri, Aug 20, 2010 at 10:37 AM, Nate Kaplan <[nate.kaplan@lacity.org](mailto:nate.kaplan@lacity.org)> wrote:

Hey Team,

Lance provided a very thorough explanation about the BID taking over median maintenance north of Manchester, although I'm sure its not the answer you were hoping for.

From the sound of it, the BID will have an opportunity to take over the maintenance as you wish after we get the strip lots dedicated to the City. Then the BID can extend north of Manchester and you can operate that entire section.

Until then, the only option would be to voluntarily adopt the median, which I can imagine probably doesn't sound too appealing to you.

I will still ask the BOSS what they think on Tuesday when they give our office a presentation.

-Nate

----- Forwarded message -----

From: **Lance Oishi** <[lance.oishi@lacity.org](mailto:lance.oishi@lacity.org)>

Date: Thu, Aug 19, 2010 at 9:51 AM

Subject: Re: Question about Median Maintenance on Sepulveda

To: Nate Kaplan <[nate.kaplan@lacity.org](mailto:nate.kaplan@lacity.org)>

Hi Nate,

We've had various conversations about this before....like for the past 4 or 5 years :)

The previous understanding that was imparted to me was/is that the BID can only operate within its boundaries, that BID can only be incorporated within areas with commercially zoned properties, and that for those reasons, it is not able to legally operate or function north of Manchester on Sepulveda. The strip lots along Sepulveda are all zoned R-1 or something like that, hence all of the efforts over the past 4 or 5 years to get them (1) re-zoned and/or (2) have the titles (read ownership) for those strip lots transferred to the City somehow. This in turn would enable us (the City) to (3) voluntarily become members of the BID, and (4) allow the BID boundaries to be

extended northerly up the corridor. Getting those 4 tasks accomplished would then allow the BID to legally operate within the Sepulveda corridor between Manchester and H. Hughes Parkway, and assume the maintenance of not only the medians but the parkway areas along the corridor.

Until that happens, the City/BSS is responsible for maintaining those islands and we are currently having them maintained under our contract with Tru-Green. We do have the ability to allow a community group to "adopt" the medians but I'm not sure how that would work with the BID being the "adoptee", given its legal operational requirements. In that regard, I would check with the City Clerk's office (who manages BIDs on behalf of the City) and the City Attorney's office to confirm if a BID can adopt/be responsible for voluntarily maintaining areas outside of their BID boundaries. If one or both of those entities can confirm that this is legally do-able, then given our current financial status and resulting lack of maintenance staff, we'd be more than happy to relinquish the maintenance of the medians to the BID or another community adoptee.

The major problem with the Adopt-A-Median program is that it's not legally binding because the adoptees are doing the maintenance work on a voluntary basis. Therefore, the adoptee group can just up and walk away from their commitment without any penalty; the City has no legal recourse to enforce and pursue their maintenance commitment. Approximately 85% of the Adopt-A-Median sites are abandoned after 2-3 years and that figure jumps up to 90-95% after 5 years. There are very few volunteer groups that have the resources, energies, and enthusiasm to sustain the long term commitment required to properly maintain a site. That's not to say we don't have any successful Adopt-A-Median projects...the ones that make it past the 5 year mark are usually fantastic and continue to look good to this day.

The other major problem with the Adopt-A-Median program is that the fall-back for maintenance when/if the adoptee abandons their commitment is the City/BSS. Since we don't have enough resources as it is, it gets difficult for us to keep track of who's supposed to be maintaining what. Usually, by the time we figure out we need to start maintaining a formerly adopted area again, everything is dead and/or overgrown with weeds and things like the irrigation system is in need of repair making our task doubly difficult i.e. we have to do a major clean-up, possibly replanting plus major repairs to get the area back into some maintainable condition before we can even start regular maintenance. And there are never any monies available to refurbish the formerly adopted site so it often remains in a blighted condition for a prolonged indefinite period. Because of this, it's sometimes better to keep landscaped areas under maintenance by the City. It may not always look pristine but at least we don't have to do a major overhaul after 5 years. It's a total judgement call and we never know what's going to happen but as long as everyone goes into this with their eyes wide open, then

everyone can make an informed decision and move ahead accordingly. Having everyone aware of all of the potential pitfalls also has the benefits of reducing the finger pointing and arguments when/if things don't go according to plan.

Regarding the BIDs abilities to maintain the islands, we've already looked into that already. Yes, they may be able to attend to the islands more frequently but their actual costs to do so are higher than what the City pays on its contracts. Even if we doubled the frequency of our visits, our current contract prices are so low, we'd be more than competitive. The only pitfall for the City is our flexibility....our contracts are just that, a contract. So to do something like increasing the frequency of maintenance visits, we can't make changes as fast and easy as the BID can. Also, we're required to ensure that our contractor is complying with the City's minimum living wage ordinance but is anyone checking on the BID's compliance? Still, taking these islands off of our maintenance routes will save the City some money just because we're reducing the square footage of landscaping we have to maintain (and essentially getting it done for free) so how bad is that? Okay, so assuming you read through that entire rambling explanation above, you now have a majority of the info you/your office needs to make an informed decision. After you've had a chance to check in with the City Clerk and City Attorney, let us know what you'd like to do and we'll move forward from there.

-Lance O.

On Wed, Aug 18, 2010 at 4:44 PM, Nate Kaplan <[nate.kaplan@lacity.org](mailto:nate.kaplan@lacity.org)> wrote:

Not sure if the Westchester BID has approached you about this yet, but they wrote the councilman a letter stating that they want to adopt the medians on Sepulveda between Manchester (north of) and Howard Hughes Pkwy. The BID currently maintains south of Manchester. They think that the City currently contracts TruGreen for this work already bc they have seen their crews out there, but they aren't happy with current level of service and believe its effecting the success of their BID.

Since the BID can contract to perform maintenance services outside their district (which this is), as long as non-BID funds support those efforts, can we do this? Basically, they think they can contract the maintainance for the medians more frequently, and for cheaper (saving the city money).

Do you have any suggestions on how we can transfer maintenance responsibilities to the BID at this point?

Thanks, Lance

-Nate

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